

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)	CASE NO. 3:17-CR-104-LRH-VPC
)	
Plaintiff,)	
)	MINUTES OF THE COURT
vs.)	
)	DATED: August 8, 2018
ANDREW DENG PHAM)	
)	
Defendant(s).)	
_____)	

PRESENT: THE HONORABLE LARRY R. HICKS, U.S. DISTRICT JUDGE

Deputy Clerk: Dionna Negrete Reporter: Margaret Griener
U.S. Attorney: Megan Rachow, AUSA
Counsel for Defendants: Christopher Frey, AFPD and Lauren Gorman, AFPD

MINUTES OF EVIDENTIARY HEARING RE DEFENDANT'S MOTION TO SUPPRESS
[ECF No. 16]:

10:09 a.m. Court convenes. The defendant is present in custody. Counsel is present.

Sam Kinzie, Security Director, Peppermill Properties, is called on behalf of the Government, is sworn and testifies on direct examination. Cross examination by Ms. Gorman. Witness is excused.

Jason Abrams, Elko County Sheriff's Office, is called on behalf of the Government, is sworn and testifies on direct examination by Ms. Rachow. Cross examination by Mr. Frey. Re-direct examination by Ms. Rachow. Re-cross examination by Mr. Frey. Witness is excused.

Juan Lopez, Security Supervisor, Peppermill Properties, is called on behalf of the Government, is sworn and testifies on direct examination. Cross examination by Ms. Gorman. Portions of Government's Exhibit 1 is played in open court. Re-direct examination by Ms. Rachow. Re-cross examination by Ms. Gorman. Witness is excused.

Miguel Pantelakis, West Wendover Police Department, is called on behalf of the Government is sworn and testifies on direct examination by Ms. Rachow. Government's Exhibit 1 is offered; no objection; Government's Exhibit 1 is admitted.

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IT IS ORDERED that all exhibits submitted, Government's Exhibit 1 and Defendant's Exhibits 501 – 505, for the hearing today are admitted unless objections are raised by counsel. IT IS SO ORDERED.

Portions of Government's Exhibit 1 is played in open court. Video stopped at 14:45:56.

Direct examination of Officer Pantelakis continues by Ms. Rachow. Cross examination by Mr. Frey. Portions of Government's Exhibit 1 is played in open court: 1:37 – 2:09; 1:44; 1:53 – 2:09. Re-direct examination by Ms. Rachow. Re-cross examination by Mr. Frey. Witness is excused.

11:58 a.m. Court stands at recess.

12:12 p.m. Court reconvenes. The defendant and counsel are present. The Government rests. Mr. Frey presents argument in support of objections regarding the admission of defendant's exhibits 501 – 505. There are no objections to Government's Exhibit 1. The Court reserves ruling as to defendant's exhibits.

Counsel present their respective arguments.

IT IS ORDERED that defendant's Motion to Suppress [ECF No. 16] is denied. The Court places findings on the record. The Court and counsel confer regarding the trial date and possible plea negotiation. Court grants the suppression of the pre-Miranda statements as jointly agreed upon by counsel.

IT IS ORDERED that defendant's Exhibits 501 – 505 are not admitted for purposes of this hearing.

Counsel and the Court confer regarding the upcoming trial date on 8/14/18. Counsel inform the Court they are negotiating a plea offer and should have approval by the end of the week and will notify the Court accordingly.

DEBRA K. KEMPI, CLERK

By: D. NEGRETE
Deputy Clerk